

# **EXHIBIT 3**

**From:** [Damitio, Chris](#)  
**To:** [Donald McPhail](#)  
**Cc:** [Geyer, Kate](#); [matthew@dclglawyers.com](mailto:matthew@dclglawyers.com); [Eric W. Schweibenz](#); [Machleidt, Dario](#); [Eric R. Chad](#)  
**Subject:** RE: Valve v. Rothschild, et al. - Letter Regarding Defendants' Discovery Deficiencies  
**Date:** Tuesday, November 19, 2024 10:05:58 AM  
**Attachments:** [image001.png](#)

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Don,

This is now the second time that Defendants have failed to meet a self-imposed discovery deadline. It has been three weeks since the parties met and conferred and Defendants still have not produced any of the documents or information you stated during our meeting would be produced. Please provide the following listed documents and information today or confirm that you no longer intend to provide it:

1. Supplemental responses to Interrogatory Nos. 1 and 2
2. Production of responsive physical documents
3. Response to Valve's discovery deficiency letters
4. Hit counts on Defendants' original proposed search terms
5. Search capabilities for Defendants' custodians

Many thanks,  
Chris

Chris Damitio  
[CDamitio@ktslaw.com](mailto:CDamitio@ktslaw.com)  
Kilpatrick Townsend & Stockton LLP  
1420 Fifth Avenue | Suite 3700 | Seattle, WA 98101  
T 206 516 3097  
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**From:** Donald McPhail <dmcphail@merchantgould.com>  
**Sent:** Monday, November 11, 2024 3:53 PM  
**To:** Damitio, Chris <CDamitio@ktslaw.com>  
**Cc:** Geyer, Kate <KGeyer@ktslaw.com>; [matthew@dclglawyers.com](mailto:matthew@dclglawyers.com); [Eric W. Schweibenz](#) <[eschweibenz@merchantgould.com](mailto:eschweibenz@merchantgould.com)>; [Machleidt, Dario](#) <[dmachleidt@ktslaw.com](mailto:dmachleidt@ktslaw.com)>; [Eric R. Chad](#) <[EChad@merchantgould.com](mailto:EChad@merchantgould.com)>  
**Subject:** Re: Valve v. Rothschild, et al. - Letter Regarding Defendants' Discovery Deficiencies

**\*\*CAUTION: External Email\*\***

Chris,

My trip to Asia was prolonged and I will not be back in the US tomorrow, which has caused the delay in responding. We will be providing the information and documents discussed later this week.

Don

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**From:** Damitio, Chris <[CDamitio@ktslaw.com](mailto:CDamitio@ktslaw.com)>

**Sent:** Tuesday, November 12, 2024 7:47:52 AM

**To:** Donald McPhail <[dmcphail@merchantgould.com](mailto:dmcphail@merchantgould.com)>

**Cc:** Geyer, Kate <[KGeyer@ktslaw.com](mailto:KGeyer@ktslaw.com)>; [matthew@dclglawyers.com](mailto:matthew@dclglawyers.com) <[matthew@dclglawyers.com](mailto:matthew@dclglawyers.com)>;

Eric W. Schweibenz <[eschweibenz@merchantgould.com](mailto:eschweibenz@merchantgould.com)>; Machleidt, Dario

<[dmachleidt@ktslaw.com](mailto:dmachleidt@ktslaw.com)>; Eric R. Chad <[EChad@merchantgould.com](mailto:EChad@merchantgould.com)>

**Subject:** RE: Valve v. Rothschild, et al. - Letter Regarding Defendants' Discovery Deficiencies

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**CAUTION - External.**

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Don,

I am following up on Dario's email. Defendants did not provide any of the documents or information you stated would be provided by November 8th. Please provide the following documents and information listed in Dario's email today, or confirm that you no longer intend to provide it:

1. Supplemental responses to Interrogatory Nos. 1 and 2
2. Production of responsive physical documents
3. Response to Valve's discovery deficiency letters
4. Hit counts on Defendants' original proposed search terms
5. Search capabilities for Defendants' custodians

Many thanks,  
Chris

Chris Damitio

[CDamitio@ktslaw.com](mailto:CDamitio@ktslaw.com)

Kilpatrick Townsend & Stockton LLP

1420 Fifth Avenue | Suite 3700 | Seattle, WA 98101

T 206 516 3097

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**From:** Machleidt, Dario <[dmachleidt@ktslaw.com](mailto:dmachleidt@ktslaw.com)>

**Sent:** Thursday, October 31, 2024 1:10 PM

**To:** Donald McPhail <[dmcphail@merchantgould.com](mailto:dmcphail@merchantgould.com)>

**Cc:** Damitio, Chris <[CDamitio@ktslaw.com](mailto:CDamitio@ktslaw.com)>; Geyer, Kate <[KGeyer@ktslaw.com](mailto:KGeyer@ktslaw.com)>; [matthew@dclglawyers.com](mailto:matthew@dclglawyers.com); Eric W. Schweibenz <[eschweibenz@merchantgould.com](mailto:eschweibenz@merchantgould.com)>

**Subject:** RE: Valve v. Rothschild, et al. - Letter Regarding Defendants' Discovery Deficiencies

Dear Don,

This email summarizes our discussion regarding the discovery deficiencies Valve raised in its October 16 letter.

On the meet and confer, Defendants confirmed that, by November 8, they will:

(1) supplement their responses to Interrogatory Nos. 1 and 2; (2) begin producing physical documents responsive to Valve's discovery requests; and (3) respond to Valve's discovery

deficiency letters.

Defendants also agreed that they would run the search terms Defendants previously suggested and provide hit counts to assist Valve in crafting additional search terms. In addition, please clarify whether any of the custodians or systems (Mr. Falcucci, Mr. Rothschild, and Mr. Meyler) have different search capabilities with respect to Boolean searches and any limitations to those capabilities.

Finally, Defendants confirmed that they are not currently withholding any responsive documents on the basis of privilege and, going forward, intend to waive all privilege objections. To the extent that Defendants choose not to waive privilege over certain documents, they agreed to notify Valve to work through any issues.

Please let us know if you disagree with our recollection of any of the above discovery-related issues the parties discussed this week.

Thank you.

Sincerely,

Dario Machleidt

[dmachleidt@ktslaw.com](mailto:dmachleidt@ktslaw.com)

Kilpatrick Townsend & Stockton LLP

1420 Fifth Avenue | Suite 3700 | Seattle, WA 98101

T 206 224 2857 | F 206 374 2199

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**From:** Geyer, Kate <[KGeyer@ktslaw.com](mailto:KGeyer@ktslaw.com)>

**Sent:** Wednesday, October 16, 2024 5:10 PM

**To:** Donald McPhail <[dmcphail@merchantgould.com](mailto:dmcphail@merchantgould.com)>; Eric W. Schweibenz <[eschweibenz@merchantgould.com](mailto:eschweibenz@merchantgould.com)>; [matthew@dclglawyers.com](mailto:matthew@dclglawyers.com)

**Cc:** Machleidt, Dario <[dmachleidt@ktslaw.com](mailto:dmachleidt@ktslaw.com)>; Damitio, Chris <[CDamitio@ktslaw.com](mailto:CDamitio@ktslaw.com)>

**Subject:** Valve v. Rothschild, et al. - Letter Regarding Defendants' Discovery Deficiencies

Counsel:

Please see the attached correspondence.



Kate Geyer

[KGeyer@ktslaw.com](mailto:KGeyer@ktslaw.com)

Kilpatrick Townsend & Stockton LLP

1420 Fifth Avenue | Suite 3700 | Seattle, WA 98101

T 206 516 3094 | F 206 299 3458

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